

JAN 29 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MANUEL PALMA CARRILLO,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 08-73225

Agency No. A096-362-442

MEMORANDUM *

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted January 20, 2009 **

Before: O'SCANNLAIN, SILVERMAN and BYBEE, Circuit Judges.

This is a petition for review of the Board of Immigration Appeals' ("BIA")
order denying petitioner's motion for administrative closure and declining to *sua*

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

sponte reopen petitioner's removal proceedings.

This court lacks jurisdiction to review the BIA's refusal to reopen removal proceedings *sua sponte*. *Ekimian v. INS*, 303 F.3d 1153, 1159-60 (9th Cir. 2002).

This court also lacks jurisdiction to review the BIA's denial of a request for administrative closure. *Diaz-Covarrubias v. Mukasey*, --- F.3d ----, No. 06-70447, 2009 WL 50117, at *3-*5 (9th Cir. Jan. 9, 2009). Accordingly, respondent's unopposed motion to dismiss in part is granted.

Respondent's unopposed motion for summary disposition in part is granted because the questions raised by this petition for review are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir.1982) (per curiam) (stating standard). To the extent that petitioner's motion could be construed as a motion to reopen removal proceedings, the BIA did not abuse its discretion in concluding that petitioner's motion to reopen was untimely. *See* 8 C.F.R. § 1003.2(c)(2); *Lara-Torres v. Ashcroft*, 383 F.3d 968, 972 (9th Cir. 2004) (holding that BIA denials of motions to reopen or reconsider are reviewed for abuse of discretion), *amended by* 404 F.3d 1105 (9th Cir. 2005).

All other pending motions are denied as moot. The temporary stay of removal shall continue in effect until issuance of the mandate.

PETITION FOR REVIEW DISMISSED in part; DENIED in part.